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JUN 20 2006

OFFICE OF PETITIONS

STRIKER, STRIKER & STENBY
103 East Neck Road
Huntington, NY 11743

In re Application of :
Kern : DECISION ON PETITION
Application No. 09/862,803 :
Filed: May 22, 2001 :
Atty. Dkt. No.: 1625 :

This is a decision on the petition under 37 CFR 1.137(b), filed May 18, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency decision.

This application became abandoned August 3, 2005 for failure to timely reply to the final Office action mailed May 2, 2005. The Office communication set a three month shortened statutory period of time for reply. No extensions of time in accordance with 37 CFR 1.136(a) were timely requested. Notice of Abandonment was mailed March 29, 2006.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition fails to satisfy requirement (1) set forth above. Petitioners have failed to submit a proper reply to the Office communication. Petitioners have failed to submit an amendment placing the application in condition for allowance.

See enclosed Advisory Action. Inquiry regarding the amendment must be directed to the Technology Center (571-272-1700).

Any renewed petition must include a proper reply to the outstanding Office action (i.e., amendment placing the application in condition for allowance; request for continued examination; Notice of Appeal; or, continuation application).

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

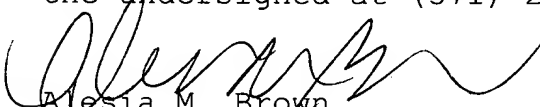
By facsimile:

(51) 273-8300

By hand delivery:

U.S. Patent and Trademark Office
Customer Window, **Mail Stop Petition**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.



Alesia M. Brown
Petitions Attorney
Office of Petitions

Enclosure: PTOL-303